



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3020974
Applicant Name: Jill Burdeen
Address of Proposal: 525 Yesler Way

SUMMARY OF PROPOSAL

Land Use Application to allow a 7-story structure containing 160 apartment units over 11,700 square feet of retail space and child care facility in an environmentally critical area. Parking for 60 vehicles to be provided below grade.

The following approvals are required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-significance

- ☐ No mitigating conditions of approval are imposed.
- ☒ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

BACKGROUND

Site and Vicinity

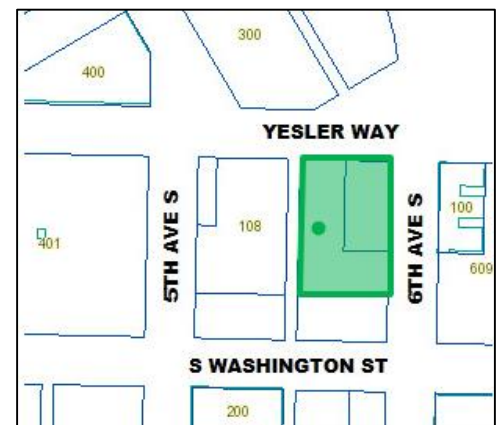
Site Zone: International District Residential (IDR 45/125-250)

Nearby Zones: North: DMC 340/290-400
South: IDR 45/125-250
West: IDR/C 125/150-240
East: IDR 150

Site Size: 21,606 SF

Site Development

The site is currently a surface parking lot.



Environmentally Critical Areas: Steep slope

Public Comment:

The public comment period ended on February 1, 2016. Several comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to tree protection, parking, traffic, and density. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

ENVIRONMENTALLY CRITICAL AREA REVIEW

Portions of the site are mapped as ECA Steep Slope areas, as described in SMC 25.05.090.A.3.b.5. Environmentally Critical Areas (ECA) review is required for future permit applications. Pursuant to SMC 25.09.020.A.4, steep slope areas are designated only as landslide prone areas on sites in Downtown or highrise zones. For this reason an ECA Steep Slope Variance is not required for the proposed development. All other ECA Submittal, General, and Landslide-Hazard development standards still apply for this project

I. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated [Click here to enter a date..](#) The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency

regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, greenhouse gas, soils, construction traffic and parking impacts, as well as mitigation.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays. If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request.

A Construction Management Plan will be required, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Earth / Soils

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering

study¹. The study has been reviewed and approved by Seattle DCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas, historic resources, height bulk and scale, parking, public views, and traffic warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.F

Historic & Cultural Resources

The SEPA Historical Preservation Policies provide authority to mitigate impacts historic sites (SMC 25.05.675.H.2). Special review district boards, such as the International Special Review District Board (Board), have been established to protect certain historic areas, such as the International Special Review District (ISRDR) (SMC 25.05.675.H.1.d). Projects within the ISRDR are subject to development controls and review by the Board. Under SMC 23.66, no construction of a new structure or demolition of an existing structure is allowed in the District without a Certificate of Approval from the DON after consultation and recommendation of the Board.

The subject site and project lies within the ISRDR. The applicant has applied for a Certificate of Approval from the Board, which is required prior to MUP issuance. The Board has reviewed the proposed design multiple times, including the exterior elevations, massing, circulation, and access.

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic and cultural resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk, and Scale

The project shall comply with the applicable Code and special review district regulations for permitted heights (SMC 23.66.332).

The proposal is located within the International Special Review District (ISRDR), and is currently under review with the International Special Review District Board (Board) per SMC 23.66. The applicant has presented multiple briefings to the Board regarding the project's height, bulk and scale (Briefings on file with DON). The Board considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment. Given the Board's extensive

¹ "Geotechnical Report; Proposed Development, 525 Yesler Way, Seattle WA, Parcel Numbers: 547801525 and 527801526." PanGEO. 26 January 2016.

review of the project, the Board's guidance, and the requirement to obtain a final Certificate of Approval for the project, no further mitigation pursuant to SMC 25.05.675.G is warranted.

Parking

The proposed development includes 160 residential units and daycare facility for 140-170 students with 60 off-street vehicular parking spaces. The traffic and parking analysis^{2,3} indicates a peak demand for residential uses of approximately 82 vehicles, and a peak demand for the day care center of 41 vehicles, for a total of 123 vehicles. Peak residential demand typically occurs overnight.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in Downtown Urban Centers. This site is located in the Chinatown-International District Urban Center Village, within the Downtown Urban Center. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

Plants and Animals

Mature vegetation is located on the site, including 19 trees. The location of this tree is described in the submitted arborist reports⁴⁵. The arborist report indicates that none of the trees on site qualify as Exceptional per DR 16-2008. Seattle DCI's Arborist has reviewed the information. No further mitigation is required pursuant to SMC 25.05.675.N.

Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section, including views from nearby Kobe Terrace Park, and from Yesler Way, a SEPA Scenic Route. The applicant provided view studies (Sheet A0.13) showing the proposed development in relation to the designated public views in SMC 25.05.675.P. The proposed development is located in a manner that maintains a view of the downtown skyline, Puget Sound and Olympic Mountains along Yesler Way. Mitigation is therefore not warranted under SMC 25.05.675.P.

Transportation

The Traffic Impact Analysis^{6,7} indicated that the project is expected to generate a net total of 979 daily vehicle trips, with 116 net new PM Peak Hour trips and 100 AM Peak hour trips.

The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The Seattle DCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted per SMC 25.05.675.R.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible

² "6th And Yesler Way Traffic Impact Analysis." Gibson Traffic Consultants. January 2016.

³ "Correction Notice #1 Response." Gibson Traffic Consultants. 21 April 2016.

⁴ Memo from Tina Cohen to Marc Angelillo. 23 January 2015.

⁵ Addendum to Memo from Tina Cohen to Marc Angelillo. 4 January 2016.

⁶ "6th and Yesler Way Traffic Impact Analysis." Gibson Traffic Consultants. January 2016.

⁷ "Correction Notice #1 Response." Gibson Traffic Consultants. 21 April 2016.

department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

1. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Cheryl Waldman for Katy Haima, Land Use Planner
Seattle Department of Construction and Inspections

Date: June 13, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.